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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/184,738	11/02/1998	ROBERT M. MORRIS	3042-3	4609

7590 01/05/2004

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 01/05/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/184,738

Applicant(s)

MORRIS ET AL.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-18, 20-38, 40-45 and 47-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-18, 20-38, 40-45 and 47-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to Applicants' amendment filed October 14, 2003.
2. Per Applicants request, claims 12, 19, 39 and 46 have been canceled.
3. Claims 1-11, 13-18, 20-38, 40-45 and 47-57 remain pending.

Response to Argument(s)

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

Priority

5. Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

This application repeats a substantial portion of prior Application No. 08/340,702, filed November 16, 1994, and adds and claims additional disclosure (see instant disclosure page 17, line 20 to page 19, line 15) not presented in the prior application. Therefore, this application failed to meet the requirements for a continuation/divisional application claiming the benefit of the prior application. If Applicants desire to continue to claim the status of this application as that of a continuation/divisional application, Applicants are required to delete the portion of the disclosure identified above and cancel claims claiming subject matter disclosed in that portion of the disclosure.

Specification

6. The disclosure is objected to because of the following informalities:
 - a. page 8:

- i. line 6: "perform" should be – perform --;
 - ii. line 10: "Fourth" should be – Fifth –
 - b. page 17: line 11, "dependant" should be -- dependent--
- Appropriate correction is required.

Claim Objections

7. Claims 13, 14, 15, 16, 40, 41, 42, 43 are objected to because of the following informalities: these claims depend from an independent claim that has been canceled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-11, 13-18, 20-38, 40-45 and 47-57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains the following subject matters:

- a. *in which both the objects and the script may be maintained separately* (claims 1, 2, 4, 8, 17, 18, 20, 21, 23, 28, 29, 31, 35, 44, 45, 46, 47, 48 and 50);
- b. *means for wrapping objects with additional events ... beyond those events internal to the objects* (claims 1, 2, 4, 8, 17, 18, 20, 21, 23, 25, 26, 27, 28, 29, 31, 35, 44, 45, 46, 47, 48 and 50);
- c. *means for utilizing the additional events to link and sequence the objects* (claims 1,

2, 4, 8, 17, 18, 20, 21, 23, 25, 26, 27, 28, 29, 31, 35, 44, 45, 46, 47, 48, 50, 52, 53, 54, 56, 57);

- d. *event* (claims 6, 7, 10, 11, 14, 15, 22, 33, 34, 37, 38, 41, 42, 49);
- e. *parallel processing* (claims 26, 53);
- f. *development playback review* (claim 3);
- g. *program constructs* and *sub-languages utilizing objects* (claim 24);
- h. *highlighting icon* (claim 30)

which were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

10. Claims 1, 2, 4, 8, 17, 18, 20, 21, 23, 28, 29, 31, 35, 44, 45, 46, 47, 48 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, Applicants disclose in the specification at page 8, lines 1-3 that the manner in which their invention wraps the objects is equally usable with objects written to standards other than the Microsoft VBX control and at page 15, line 16 to page 16, line 8 that the system of their invention wraps all objects in a kind of "envelope" of special properties that regulate how the objects act in the system. However, Applicants fail to disclose how to implement the wrapping in such a way to enable one skilled in the art to make and use the invention.

The same reasoning also applies to the limitation *means for utilizing the additional properties and events to link and sequence the objects* claimed in these claims.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1, 2, 4, 8, 17, 18, 20, 21, 23, 25, 28, 29, 31, 35, 44, 45, 46, 47, 48, 50 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Pursuant to these claims, the limitation “*the objects and the script may be maintained separately*” is found to be unclear, vague and indefinite because the verb *may be* does not provide one with an accurate determination of the METES AND BOUNDS of protection involved so that an evaluation of the possibility of infringement may be ascertained with a degree of reasonable degree of certainty.

Pursuant to claims 25 and 52, the limitation “*which may be maintained separately*” is found to be vague and indefinite because it is unclear as to specifically which items are maintained separately and whether these items and their maintenance is supported in the specification.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antony Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday from 6:15 a.m. – 3:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Tuan Dam, can be reached at (703) 305-4552.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

Central Fax Number

(703) 872-9306

A handwritten signature in black ink, reading "Anthony Nguyen-Ba". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

ANTONY NGUYEN-BA
PRIMARY EXAMINER

Art Unit 2122

December 31, 2003